IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.2233 OF 1989

The New India Assurance Company Limited ..Plaintiff

V/s.

M/s.Kailash Nath & Associates & ors ..Defendants

Mr.H.C.Mody, advocate, for plaintiff
None for the defendants

CORAM : V.C.DAGA, J.

DATE : 5TH DECEMBER, 2007

P.C.

1. Mr.H.C.Mody, learned counsel appearing for plaintiff on the last date of hearing i.e.on 28th November, 2007 had made a statement that he had returned a brief to the plaintiff – The New India Assurance Company Limited with request to appoint another advocate. He had sought one week time to get in touch with the plaintiff and to request them to make an alternate arrangement. The request made in this behalf was not granted by this Court. Plaintiff was directed to file affidavit of evidence and the original documents in support of the suit claim.

2. Today, Mr.H.C.Mody has presented a letter written by him dated 29th November, 2007 received by plaintiff. By that letter he has informed them order passed by this Court dated 28th November, 2007. Inspite of communication of this order, no steps have been taken by plaintiff to engage an advocate to appear before this Court.

3. In this view of the matter, suit is dismissed for want of evidence with no order as to cost.

4. A copy of letter dated 29th November, 2007 written by Mr.H.C.Mody and received by plaintiff is retained on record.

(**V.C.DAGA, J.**)